

ORIGINAL

FILED

DISTRICT COURT OF GUAM

FEB 21 2003

MARY L. M. MORAN
CLERK OF COURT

(6)

DISTRICT COURT OF GUAM
TERRITORY OF GUAM

TONY H. ASHTIANI,

Plaintiff,

Civil Case No. 02-00032

vs.

CONTINENTAL MICRONESIA, et al.,

ORDER

Defendants.

On November 14, 2002, the plaintiff filed the present case. Thereafter, on January 10, 2003, summonses were filed which directed the defendants to file answers within one day after receipt of the respective summons. However, the summonses did not provide the defendants with the appropriate number of days in which to file their answers, and amended summonses were prepared. See Fed.R.Civ.P. 12(a)(1)(A) (A "defendant shall serve an answer within 20 days after being served with the summons and complaint").

Rather than effectuate service, the plaintiff wrote a letter to the Clerk of Court dated February 3, 2003. Therein the defendant states that he is unable to serve the amended summonses because of typographical errors contained in them. See Exhibit A, attached herein. Therefore, in order to proceed with this case, the plaintiff is ordered to return the amended unserved summonses to the Court by February 28, 2003, and to redraft new ones allowing the defendants twenty days from service to file their answers. The plaintiff is to effectuate service upon the defendants or inform the Court as the reasons why service has not been effectuated and what attempts at service

1 were made. See Local Rule 16.1(e).

2 Additionally, the Scheduling Conference scheduled for February 26, 2003 is vacated and
3 rescheduled for April 30, 2003 at 2:00 p.m. The plaintiff is counseled to refer to Local Rules 16.1
4 and 16.2 in the preparation of the required Scheduling Order and Discovery Plan which shall be
5 filed by April 23, 2003, and will be addressed at the Scheduling Conference.

6 SO ORDERED this 21st day of February, 2003.

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9 JOHN S. UNPINGCO
10 Chief Judge
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February 3, 2003

Ms. Mary L.M. Moran
United States District Court
District of Guam
4th Floor, West Soledad Avenue
520 West Soledad Avenue
Hagatna, Guam 96910

Dear Ms. Moran:

I am presenting this letter to you in correspondence to your certified letter which I received on Jan. 08, 2003 and amended summons received on Jan. 10, 2003 by Ms. Marilyn B. Alcon Deputy of the court.

On Jan 10, 2003. I reviewed amended summons and noticed the word "against" misspelled and the word "agains" being placed the last word of the 2nd line by double spacing method, it is note worthy that line 1,3,4 were single spaced. Also the Answer, which must be addressed to PLAINTIFF'S ATTORNEY, which in this case is Pro Se, was moved to a not allocated space. As my attorney had withdrawn himself On Jan.04, 2003 while his services was rendered since Nov. 11, 2001, I was confused as how to approach this matter.

These two amended summons A0 440 (Rev.8/01) which was presented by the court staff contains different format and wording of its original intent and purpose as spelled out in the rule 4 of the Federal Procedure Page 9. For your convenience I have attached copies the original summon and amended summons.

Such a basic preliminary document shall not violate 5th amendment of plaintiff's constitution rights in regards to fair play and substantial Justice. Sensitive care must be given to minorities as English is their second language and lack in the comprehension of a none mother language shall not be used to preventing them from receiving fair play.

It is with regret that I am unable to serve amended summons to defendants as the word "agains" means again and again. The original summon on Jan. 09, 2003 was checked and bared the stamp of the court. Certified true copy after service of original by notary public is in file and will be available to view upon request.

EXHIBIT "A"

Page 2 of 2
Ashtiani to Ms. Moran
Feb. 03, 2003.

First thing is first, if defendants felt one day was not adequate to "Answer", I am a firm believer of the "Due Process", I will be more than happy to cooperate so they have adequate time to prepare and present their answer, since the first bridge has not been crossed, I am certain you have amended dates for proposed scheduling order and proposed discovery plan.

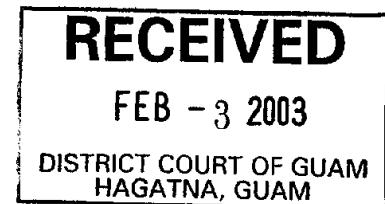
If I have misinterpreted the amended summons, I apologize and I would like a clarification to this matter as soon as possible.

Have a blessing day.

Submitted Respectfully,



Tony H. Ashtiani



UNITED STATES DISTRICT COURT

TERRITORY OF GUAM

District of

GUAM

TONY H. ASHTIANI

v.

A M E N D E D
SUMMONS IN A CIVIL CASE

CONTINENTAL MICRONESIA, INC.
dba CONTINENTAL MICRONESIA
and CONTINENTAL AIRLINES, INC.

CASE NUMBER:

CV-02-00032

TO: (Name and address of Defendant)

Mr. James Hammer
Director of Micronesia
Continental Micronesia, Inc.
Guam International Airport Maintenance Department

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

Tony Ashtiani, Pro Se
P.O. Box 12723
Tamuning, Guam 96931
Telephone: 653-5575

MARY L.M. MORAN

January 10, 2003

CLERK

DATE

(By) DEPUTY CLERK

COPY

UNITED STATES DISTRICT COURT

TERRITORY OF GUAM

District of

GUAM

TONY H. ASHTIANI

A M E N D E D
SUMMONS IN A CIVIL CASE

v.

CONTINENTAL MICRONESIA, INC.
dba CONTINENTAL MICRONESIA
and CONTINENTAL AIRLINES, INC.

CASE NUMBER:

CV-02-00032

TO: (Name and address of Defendant)

Mr. Dixon McKenzie
H.R. Director, Human Resources Department
Continental Micronesia, Inc.
Guam International Airport Old Terminal

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

Tony Ashtiani, Pro Se
P.O. Box 12723
Tamuning, Guam 96931
Telephone: 653-5575

MARY L.M. MORAN

January 10, 2003

CLERK

DATE

(By) DEPUTY CLERK

Marilyn B. Alan

COPY

UNITED STATES DISTRICT COURT

District of _____

SUMMONS IN A CIVIL CASE

v.

CASE NUMBER: _____

TO: (Name and address of Defendant)

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

an answer to the complaint which is served on you with this summons, within _____ days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

CLERK

DATE